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LETTER DATED 10 APRIL 1996 FROM THE PERMANENT REPRESENTATIVES OF FINLAND AND THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

At the request of the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe, we have the honour to transmit the text of their letter of 9 April 1996 addressed to you, in the English and Russian languages (see annex).

Please have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) F. W. BREITENSTEIN
Ambassador
Permanent Representative
of Finland to the United Nations

(Signed) S. LAVROV
Ambassador
Permanent Representative
of the Russian Federation
to the United Nations

Annex

[Original: English and Russian]

Letter dated 9 April 1996 from the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe addressed to the President of the Security Council

Pursuant to the decisions of the United Nations Security Council after consultations with the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), we are submitting a progress report on the Minsk process and the efforts undertaken within its framework for the peaceful resolution of the Nagorny Karabakh conflict.

Acting on the basis of the OSCE Budapest Summit decision of 6 December 1994, the Co-Chairmen of the OSCE Minsk Conference continued to promote the observation of the cease-fire, the conclusion of the political agreement on the cessation of the armed conflict and the implementation of confidence-building measures, particularly in the humanitarian field. In their activities the Co-Chairmen relied upon the support and cooperation of the members of the Minsk Group, coordinating and harmonizing their individual efforts.

The parties to the conflict have, on the whole, been observing the cease-fire established on 12 May 1994. The number of armed incidents have lately been reduced substantially though the mechanism of their settlement agreed upon on 6 February 1995 was not utilized properly. The parties have repeatedly confirmed their commitment to continue the observation of the cease-fire.

During the period that has elapsed since the last report, the Co-Chairmen undertook measures to intensify the negotiation process. Several rounds of talks between the three conflicting parties (Armenia, Azerbaijan and Nagorny Karabakh) have taken place under the mediation of the Co-Chairmanship, during which the draft Agreement, including its annexes, has been covered in full and progress has been achieved in the agreement on the text.

The most important issues of the settlement, identified by the parties as the key issues, have been dealt with parallel to the work on the text of the draft Agreement. They are already reflected to a varying extent in the present text.

The Co-Chairmanship consistently proposed to the parties compromise approaches to the solution of the key problems of the settlement. Unofficial working material with "possible elements of a solution to key problems" was presented to the parties in July 1995. Last September the Co-Chairmen, accompanied by a number of the members of the Minsk Group, visited the region and conducted negotiations on the basis of the agreed points urging the parties to intensify and expedite the negotiating efforts. A number of proposals on specific issues were transmitted to the parties by the Co-Chairmen at the negotiation rounds.

On 18 October 1995, the Presidents of Finland and the Russian Federation sent a joint message to the Presidents of Armenia and Azerbaijan with an appeal to find mutually acceptable compromises in the work on the political agreement. The Co-Chairmen of the Minsk Conference conveyed this message to the leader of Nagorny Karabakh.

Based on the work thus far accomplished the outlines of a settlement are emerging. Among the issues that the parties have agreed to are the following:

- To settle all matters of dispute among themselves without the threat or use of force, but only by peaceful means, first and foremost through negotiations;

- Carrying out the military-technical measures to consolidate the cease-fire and cessation of hostilities, and ensuring the implementation of the provisions of the political agreement;

- The legal status of Nagorny Karabakh shall be elaborated on the basis of a mutually acceptable compromise, and determined at the OSCE Minsk Conference;

- Allowing the delivery of humanitarian aid to the territories that have been affected by the conflict;

- Safe, voluntary and balanced return of displaced persons and refugees, irrespective of their nationality, to their former places of permanent residence;

- Evacuation of the territories occupied in the course of the armed conflict;

- Establishment of local and regional security measures, including the safe and unimpeded access from Nagorny Karabakh to Armenia;

- Deployment of a multinational OSCE peace-keeping force to assist the implementation of the political agreement;

- Removal of obstacles to, and restoration of all normal links in the region.

It is evident, however, that no further progress can be made without major decisions being taken at the highest political level.

On 8 December 1995, the Ministerial Council of OSCE considered a report by the Co-Chairmen of the Minsk Conference. In its decision the Ministerial Council confirmed that the OSCE Minsk process remains the sole forum for the settlement of the Nagorny Karabakh conflict and supported the efforts of the Co-Chairmen of the Minsk Conference to achieve, in coordination with the Chairman-in-Office, a political agreement on the cessation of the armed conflict without any further delay. The Ministerial Council took note of the expressed readiness of the parties to address crucial issues with a view to reaching a compromise as soon as possible and welcomed the commitments expressed to

establish direct contacts, in coordination with the Co-Chairmanship, to achieve agreement on the principles governing the resolution of the conflict, and strongly urged that this be done quickly.

Direct contacts between Armenia and Azerbaijan began soon thereafter. They were expected to produce results.

Pursuant to the decision of the OSCE Ministerial Council, the Co-Chairmen planned an active schedule for 1996. Three rounds of negotiations have already taken place. However, the course of negotiations showed that the parties still did not display a readiness to conduct a constructive dialogue and search for compromises. The Co-Chairmen and the Minsk Group members expressed their concern with regard to the current state of the negotiations and expect the leadership of the parties to consider the prevailing situation.

To finalize the political agreement, certain aspects relating to the key issues, owing to their interdependent nature, have to be solved concurrently. A package deal on the most important elements of the key problems would constitute a breakthrough for rapid conclusion of the political agreement.

The Co-Chairmanship, after consulting other Minsk Group members, prepared a document entitled "Framework for a package solution". The package would include elements of all the key issues to be incorporated into the political agreement. Bearing in mind the importance which OSCE accords to the settlement of the Nagorny Karabakh conflict, the Chairman-in-Office of OSCE in connection with his trip to the region on 29 February-1 March 1996, presented the document to the parties. It contained an outline of a package solution which should in the immediate future be worked out and agreed in the negotiating process on the basis of the following commitments assumed by the parties:

- To evacuate all occupied territories;

- To ensure unimpeded access from Nagorny Karabakh to Armenia and vice versa;

- To provide for the security of Nagorny Karabakh and its population;

- Regarding the territorial integrity of Azerbaijan and the broadest possible self-rule for Nagorny Karabakh;

- Regarding the application to the population of Shusha and Shaumyan of the right of voluntary and safe return of all refugees and displaced persons to their former places of permanent residence;

- Regarding the observance of the norms of international humanitarian law;

- Regarding openness and transparency, and safeguarding mutual security in the region.

The Co-Chairmen intend to use the document entitled "Framework for a package solution" in the course of the negotiation process for further search

for compromise solutions in order to ensure an early conclusion of the agreement on the cessation of the armed conflict.

The Co-Chairmen have made several visits to the region for consultations at the highest level. Moreover representatives of some States members of the Minsk Group (Russian Federation, United States of America, Turkey) undertook individual trips to the region on a coordinated basis, in efforts to promote progress towards the political settlement.

Work with the parties aimed at reaching additional confidence-building measures continued, particularly in the humanitarian field. Through the efforts of the Co-Chairmanship and the Minsk Group, in cooperation with the International Committee of the Red Cross (ICRC), a considerable number of prisoners of war and detained persons have been released. However, the parties continue to hold many prisoners of war and deny the ICRC representatives the right to visit all persons detained in the course of the conflict. The Co-Chairmen will persist, together with ICRC, in pursuing the release of all such persons, and support the ICRC in its quest to clear up the problem of missing persons.

The Co-Chairmanship believes that the settlement of the conflict will pave the way for normalization of the situation in the region and will enable economic and social rehabilitation and the development of major cooperation projects in the region. The Co-Chairmen underline the continuous need for international humanitarian assistance.

On 7 March 1996, the OSCE Permanent Council heard a report by the Co-Chairmen on the situation with regard to the settlement of the Nagorny Karabakh conflict. Members of the Council spoke in favour of further intensification of the negotiation efforts.

The Co-Chairmen will persist in implementing their mandate, coordinating and harmonizing within the Minsk process all the efforts of the States members of the Minsk Group aimed at contributing to a peaceful settlement.

(Signed) H. TALVITIE
Co-Chairman of the OSCE
Minsk Conference

(Signed) V. LOZINSKY
Co-Chairman of the OSCE
Minsk Conference